

III. District Ordinance

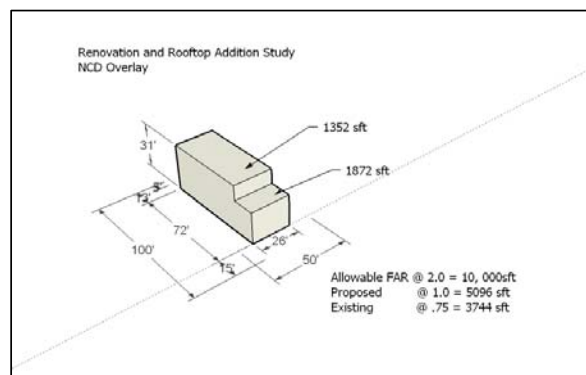
3.1 Building Addition, Renovation and Replacement Regulations

(a) The retention and renovation of the existing structures of the Gilbert M. Fein NCD is strongly encouraged and should be performed in accordance with the Post War Modern/ MIMO Design Guidelines being prepared by the City of Miami Beach. Rooftop and other additions to existing structures are permitted and may not require Design Review Board approval but may be approved at the administrative level when their construction does not call for the demolition of more than ten percent (10%) of the original building envelope to include exterior walls and their appurtenances, such as porches and stairs. Their location, scale and design character shall meet the following criteria:

(1) Rooftop additions to existing structures shall be limited to one (1) floor with a maximum floor to ceiling height of ten (10) feet and shall be setback from the front façade fifteen (15) feet. The exception shall be for single story rooftop additions to corner properties located along Bay Road where that portion of the single story addition fronting 16th Street or Lincoln Terrace may be differentiated from the main building façade through design and or setback techniques as reviewed and approved by the Design Review Board in issuing a Certificate of Compliance (COC) for the project.

(2) All other additions outside the original building footprints shall require a minimum lot aggregation as outlined in the following Minimum/ Maximum Developable Lot Regulations section of this NCD ordinance.

(b) Where catastrophic damage to the existing structure warrants substantial or total reconstruction, new construction upon the original 5000 sft. and 5250 sft. lots shall be allowed as provided by Code, however, the allowable square footage shall be the effective square footage of the original building with the



Model depicting the building envelope and square footage requirements for rooftop additions that may be approved administratively.

allowance of the square footage of a single story rooftop addition or an effective FAR of (1.0), whichever is less, otherwise the new structure shall conform to the Minimum/Maximum Developable Lot Regulations section of this NCD ordinance.

3.2 Land Use Regulations

The land use regulations for the G. M. Fein NCD shall be in accordance with the provisions of the underlying RM-2, Residential Multifamily Medium Intensity Zoning District (Code Sections 142-212 through 142-215) as well as the West Avenue Bay Front Overlay District (Code Sections 142-842 through 142-845) as applicable with regard to uses except that commercial and noncommercial parking lots and garages shall not be permitted.

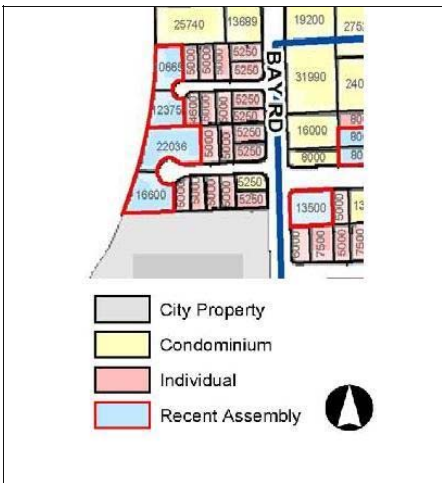
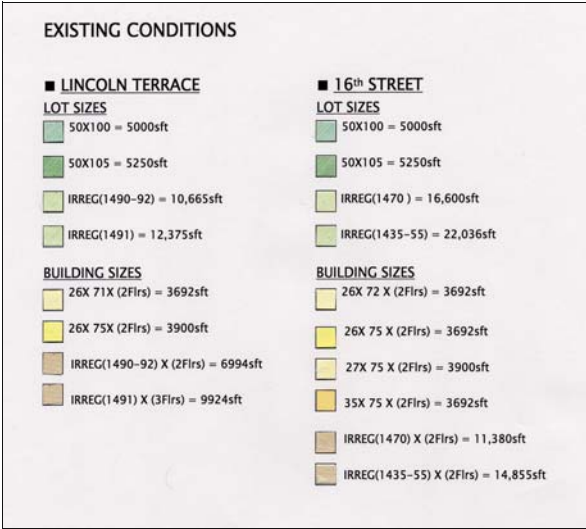
3.3 Land Development Regulations

The land development regulations for the G.M. Fein NCD shall be in accordance with the underlying RM-2 zoning parameters with regard to FAR and overall height. However, the NCD designation shall incorporate neighborhood specific height, lot size and building massing setback parameters in order to ensure that new construction is in context with the existing structures within the original planned neighborhood and shall strive to maintain the pedestrian scale, massing and view corridors of the existing planned unit neighborhood to the greatest extent possible.

The primary goal in further defining the zoning envelope for new construction in the NCD will be to maintain the low scale neighborhood experience at street level. In general, the lot configuration and building height and setback regulations will be defined as follows:

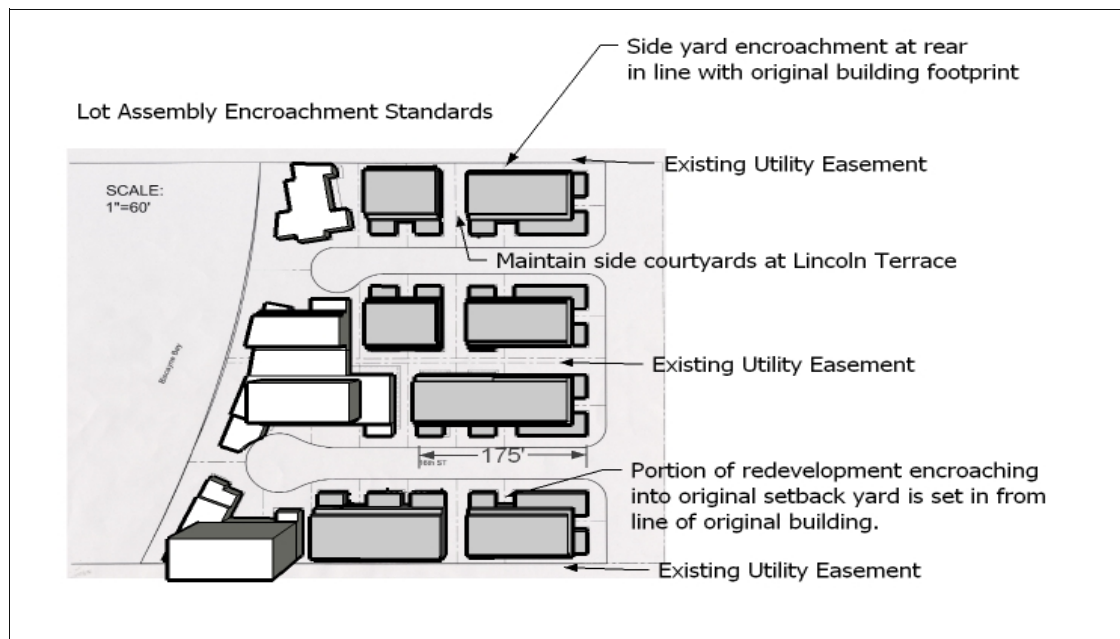
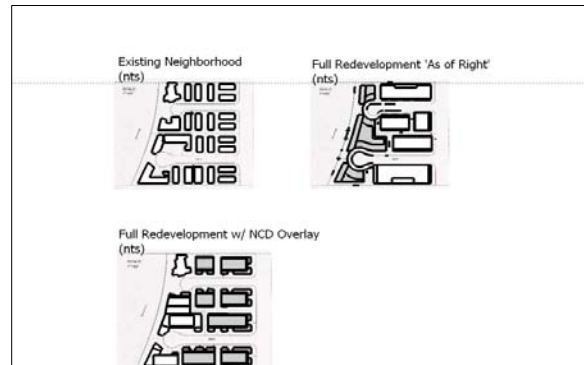
(a) Minimum/ Maximum Developable Lot Regulations

- (1) In order to maintain the rhythm and variety of individually owned and maintained structures it is encouraged that the existing minimum lot size for parcels with regard to



renovation and additions to existing structures in the G. M. Fein NCD be maintained at 5000 sft.

(2) However, in order to address redevelopment scenarios and to establish a minimum lot size requirement in accordance with the underlying RM-2 development regulations, the minimum lot size for redevelopment will be 10,000 sft. or the assemblage of at least two lots. Lot assemblies shall occur in increments the size of original lot configurations. Lot splits



or other redevelopment scenarios which do not respect the original increment of parcelization shall not be permitted. In this regard, the generation of new property ownership lines and the siting of new structures shall be based on original property lines and original building footprint setbacks.

In practice this will require that those portions of the infill structure which encroach into what was originally a setback yard be set in from the line of the original building footprint generally in the following manner:



a. Front and Side Facing a Street

That portion of the new infill structure which encroaches into the area which was originally the side yards between assembled lots shall be setback fifteen (15) feet from the line of the original front or street facing façade.

b. Side

Infill structures fronting onto Lincoln Terrace shall not encroach into those side yards that were originally planned and built as side courtyards providing main circulation routes to the original structures. The side courtyards are generally thirty (30) feet in width and comprised of two (2), fifteen (15) foot side yards and extend to the rear yard setback. Furthermore, the courtyards incorporate the primary entrance elevation of the original structures. This provision shall not apply to the properties fronting 16th Street, however, in all cases the new infill structure shall not exceed 175 feet in length or depth.

c. Rear

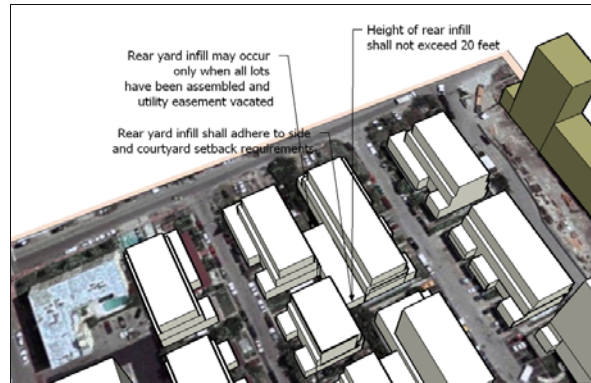
Infill structures shall not encroach past the line of the original rear building setback where a utility easement exists. The exceptions shall be where all of the lots abutting the utility easement have been contiguously assembled and the length of the utility easement is vacated and relocated or where the waterfront property rear yards have been contiguously assembled and that portion of the easement can be vacated and relocated without complication to the existing properties abutting the easement. That portion of the new infill structure which encroaches into what was originally the rear yards between assembled lots shall be in line with the side elevation of the original building footprints. The height of this portion of the structure shall not exceed the height of the roof eaves of the original structure, generally 20-22 feet.

(b) Demolition of Existing Structures

Demolition of existing structures is permitted. However, permits for demolition may only be



Existing Lincoln Terrace courtyard. Primary building facades and entrances occur at courtyards.



Demolition of 1470 16th Street is proposed with the recent *Capri on the Bay* development agreement.

issued after the Design Review Board or Planning Department staff issues a Certificate of Compliance (COC) for redevelopment, and after the Building Department issues a building permit for the redevelopment. Demolition solely for the purpose of creating vacant land or an at-grade parking lot is prohibited. In the event the demolition of an existing structure becomes part of a parcel assemblage scenario whereby the site of one or more of the existing structures is to be programmed for parking, the design shall follow the regulations as set forth in the Off-Street Parking Regulations section of this NCD ordinance.

(c) Building Setback and Height Regulations

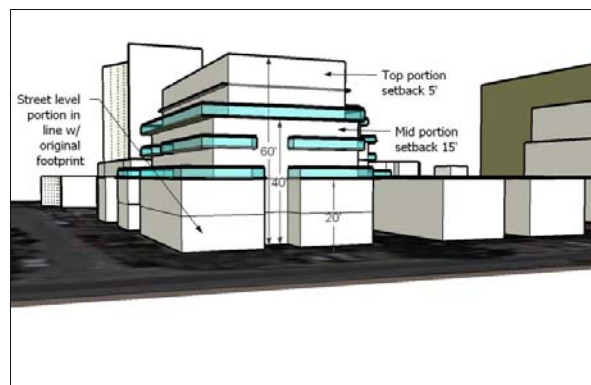
(1) Front and Side Facing a Street

a. Non-Bay Front Structures

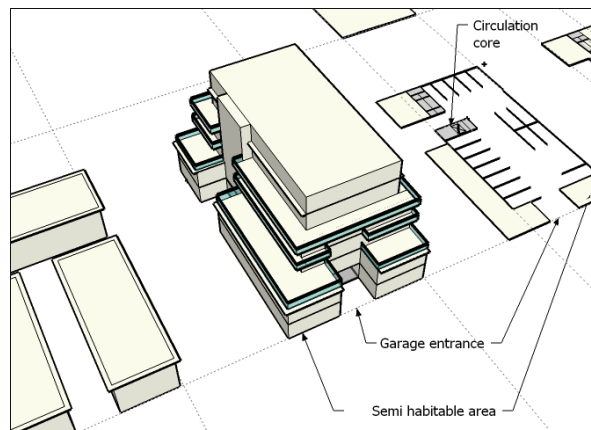
New construction upon the original non-bay front (rectangular) lots of the neighborhood whether assembled through *unity of title* with bay-front lots or not shall be in accordance with the height regulations for non-bay front properties as defined in the underlying RM-2 development regulations and shall be limited to sixty (60) feet in height. The new infill structure shall be set back in line with the front elevation of the original building footprint to a depth of fifteen (15) feet. Where retention of the street facing portion of the original structure is proposed, the depth shall be that of the main front room of the original structure as determined by the Planning Director or his designee and not less than fifteen (15) feet in depth. In both instances the height of the front portion shall remain consistent with the height of the roof eaves of the original structure, generally 20-22 feet. Those portions of the new structure greater than 20-22 feet in height but less than forty (40) feet in height may rise from the above noted setback depth. Those portions above forty (40) feet shall be further setback from the mid-height portion of the structure by an additional minimum depth of five (5) feet. Thirty percent (30%) of the front elevation above forty (40) feet may remain in line with the mid-portion setback in order to accommodate the circulation core of the



Model depicting front yard setback regulations applied to 1450-70 Lincoln Terrace.



Model of front and side yard facing a street setback regulations applied to 1600-04 Bay Road/ 1415 16th Street.



Model depicting 1600-04 Bay Road/ 1415 16th Street original building footprints with potential RM-2 infill and ground floor building program.

structure. The new structure shall include habitable or semi-habitable space facing the street which is, at a minimum, fifteen (15) feet in depth and encompasses the full height of the base volume. Parking shall be accommodated within the building envelope as identified in the Off-Street Parking Regulations section of this NCD ordinance.

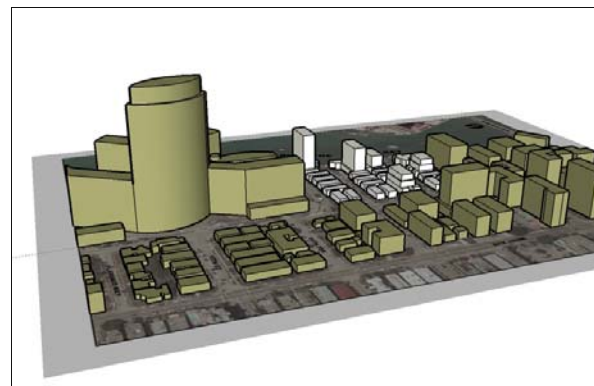
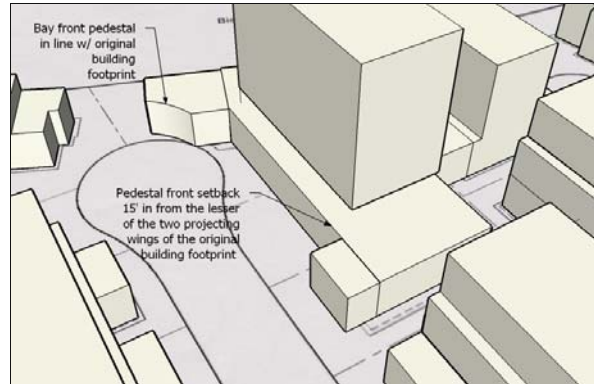
b. Bay Front Pedestal

The pedestal portion of new construction which is sited upon the original irregular lots adjacent to Biscayne Bay shall follow the line of the original building footprint to a depth of fifteen (15) feet measured in from the lesser of the two projecting wings at the front. The pedestal shall be constructed to a height consistent with the height of the roof eaves of the original structure; generally 20-22 feet and shall include habitable or semi-habitable space fronting the street which is, at a minimum, fifteen (15) feet in depth and encompasses the full height of the volume. Parking shall be fully subterranean to the greatest extent possible as identified in the Off-Street Parking Regulations section of this NCD ordinance.

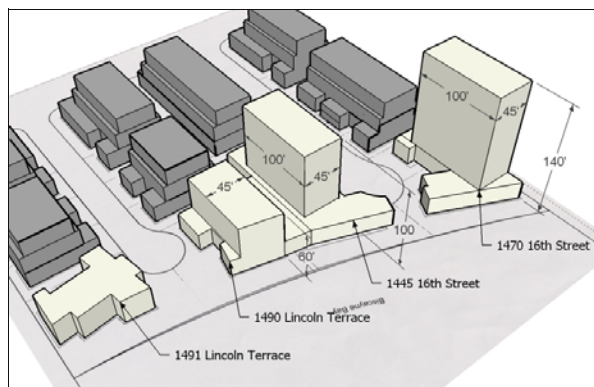
c. Bay Front Tower (s)

Where a contiguous assembly of the original irregular bay front lots has produced a development parcel in excess of 45,000 sft., along the bay front, all portions of the new structure above the 20-22 foot pedestal shall be limited to towers no greater than forty-five (45) feet in width and one hundred (100) feet in depth and not located within seventy (70) feet of any adjacent construction over sixty (60) feet in height. The longer dimension of the tower shall be oriented on an east west axis and designed to the following parameters at the following original address locations:

1. 1470 16th Street - The maximum height shall not exceed 140 feet and shall be located to the southwest corner of the pedestal.
2. 1445 16th Street - The maximum height shall not exceed 100 feet and shall be



Neighborhood context model viewed west depicting taller bay front tower height located to south.



Full redevelopment model delineating bay front tower regulations.

centered within the pedestal.

3. 1490 Lincoln Terrace - The maximum height shall not exceed sixty (60) feet and shall be centered within the pedestal.

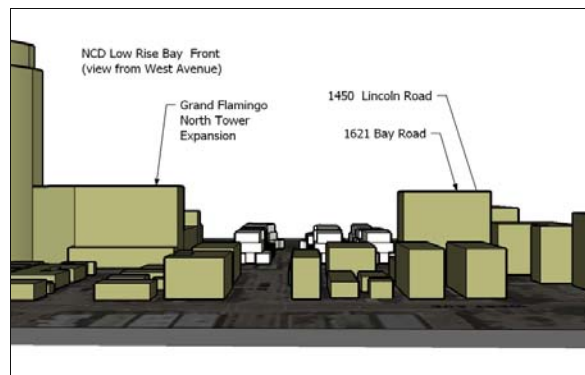
4. 1491 Lincoln Terrace - Preservation and rehabilitation of the existing structure consistent with the special historic character of the original building shall be required when assembled under *unity of title* with other bay front lots, otherwise, the maximum height is limited to sixty (60) feet coupled with the setback parameters as set forth for non-bay front lots. However, demolition of all or portions of the existing structure may be subject to further review and may not receive approval if determined to be of merit by the Design Review Board.

(d) Bay Front Low Rise Development

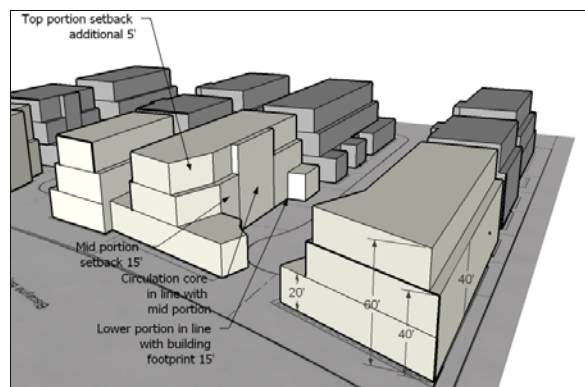
Similar to the setback regulations for non-bay front lots, new low rise construction which is sited upon the original irregular lots adjacent to Biscayne Bay shall be limited to sixty (60) feet in height. The pedestal of the new structure shall be set back in line with the front elevation of the original building footprint to a depth of fifteen (15) feet, measured in from the lesser of the two projecting wings. Where retention of the street facing portion of the original structure is proposed, the depth shall be that of the main front room of the original structure as determined by the Planning Director or his designee. In both instances the height of the front portion shall remain consistent with the height of the roof eaves of the original structure, generally 20-22 feet. Those portions of the new structure greater than 20-22 feet in height but less than forty (40) feet in height may rise from the above noted setback depth. Those portions above forty (40) feet shall be further setback from the mid-height portion of the structure by an additional minimum depth of five (5) feet. Thirty percent (30%) of the front elevation above forty (40) feet may remain in line with the mid-portion setback in order to accommodate the circulation core of the structure. The new structure shall include



Architect's rendering of rehabilitated 1491 structure as viewed from Biscayne Bay.



Neighborhood context model viewed west depicting low rise bay front redevelopment.



Full redevelopment model delineating low rise bay front regulations.

habitable or semi-habitable space facing the street which is, at a minimum, fifteen (15) feet in depth and encompasses the full height of the volume. Parking shall be fully subterranean to the greatest extent possible as identified in the Off-street Parking Regulations section of this NCD ordinance.

(2) Side Setbacks

a. Non-Bay Front Structures

The side elevations of new construction sited upon the original rectangular lots of the neighborhood shall be designed to follow a setback in line with the original building foot print, which may be as great as fifteen (15) feet for side elevations which were designed to be primary elevations or as little as five (5) feet for secondary elevations. The design of new side elevations should be developed to relate to the elevation of the original building in terms of its architectural hierarchy of importance, (i.e. primary vs. utilitarian).

b. Bay Front Structures

The side elevation for new construction upon the original irregular lots of the neighborhood shall be designed to follow a setback in line with the original building foot print to a height consistent with the height of the original structure. Similarly, those portions of the pedestal facing the bay shall be setback to a depth in line with the footprint of the original buildings; generally thirty (30) feet, and shall include habitable or semi-habitable space encompassing the full height of the volume.

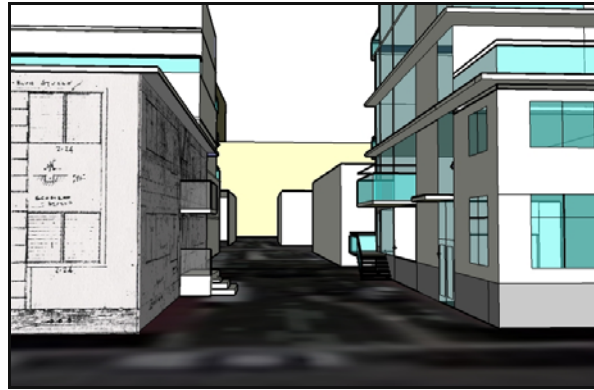
(3) Rear Setbacks

a. Bay Front and Non-Bay Front Structures

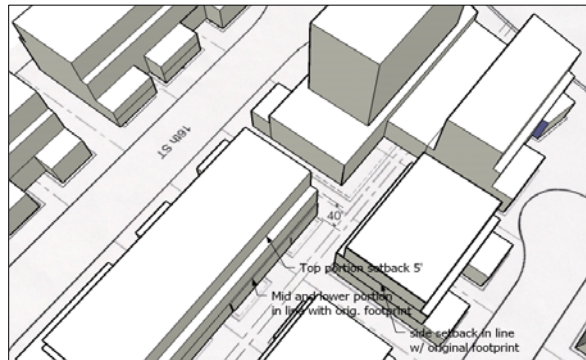
Rear elevation setbacks for new construction shall follow the line of the original building footprint to a height not to exceed forty (40) feet. Those portions above forty (40) feet shall be set back an additional five (5) feet.

b. Biscayne Bay

Variance from the Biscayne Bay

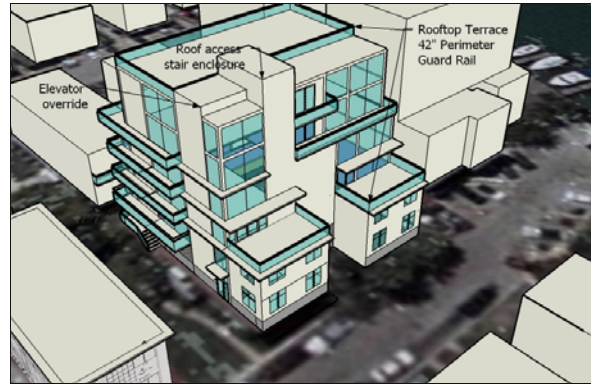


Courtyard elevations for new infill structures shall be developed as primary entrance elevations similar to the existing structures.



Architect's rendering depicting an improved level of public amenity along the bay front.

Management - Shoreline Development Review Criteria regarding setbacks from the Bay may be supported where new construction at the rear of the original irregular lots is designed in accordance with the aforementioned building setback and height regulations and where significant view corridor and public access are provided to the bay front from both the 16th Street and Lincoln Terrace street ends and include a public boardwalk running the length of the subject irregular lots along Biscayne Bay for use by the general public.



3.4 Supplementary District Regulations

(a) Bay Front and Non-Bay Front Structures

(1) Rooftop Terraces

a. Rooftop terraces shall be permitted and projections shall be limited to the following:

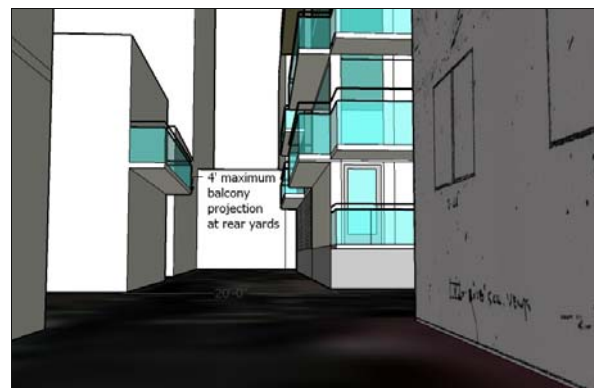
1. A perimeter guard rail, simple and transparent in design, shall be provided and the height shall not exceed the minimum Code requirement 42 inches.

b. Rooftop terrace projections above the maximum height limit shall be limited to the additional following:

1. One roof top elevator override when necessary not to exceed 42 inches in height when located along an exterior wall or one elevator enclosure pursuant to Section 142-1132(o) of the Code when located to the center of the building footprint and not to exceed ten (10) feet in height.

2. One rooftop access stairwell enclosure provided pursuant to Section 142-1132(o) of the Code not to exceed ten (10) feet in height.

3. All further rooftop projections other than landscape material shall be limited to mechanical, electrical, HVAC and satellite telecommunications equipment whose rooftop location is explicitly required by Code and shall be located to the center of



the building footprint and adequately screened from view in accordance with Design Review Guidelines and procedures.

(2) Balcony Projections

a. Shall not exceed six (6) feet from the building face from which they are accessed at the front (mid-portion and above), bay front, primary side courtyard and side yard facing a street elevations.

b. Shall not exceed four (4) feet from the building face at non-primary side and rear yard elevations.

(3) Fences and walls

a. Shall be set back behind the front elevation of the original building footprint line a minimum of one (1) foot and shall not exceed six (6) feet in height when located at the front or side facing a street.

b. Fencing at the rear and side yards shall retain and preserve the original existing coral rock walls within the utility easement areas and new fencing shall not exceed six (6) feet in height where permitted.

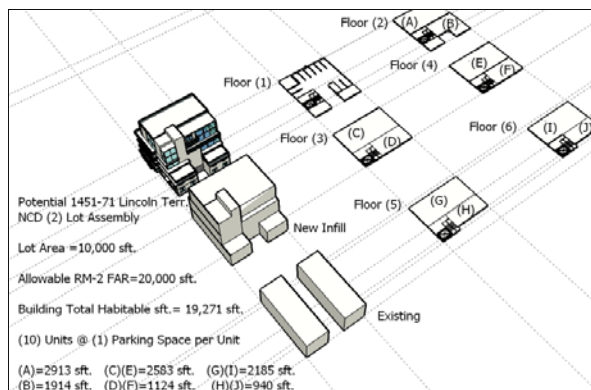
c. Fences and walls which divide the entrance courtyards shall be prohibited. In all instances the design of new fences and walls shall follow the Design Guidelines for Post War Modern/ MiMo structures.



Recommended



Not Recommended



3.5 Off-Street Parking Regulations

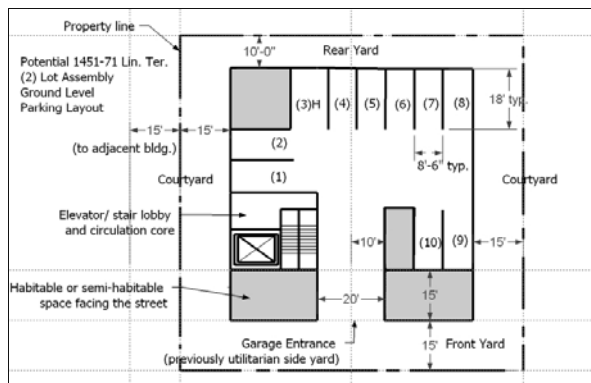
(a) The off-street parking to dwelling unit ratio requirements for structures located within the G. M. Fein NCD shall be as follows:

(1) Existing structures and reconstruction of existing structures

a. No requirement, zero (0) spaces per unit.

(2) Additions to existing structures

a. No requirement, zero (0) spaces per



additional unit provided no more than ten percent (10%) of the original structure is demolished.

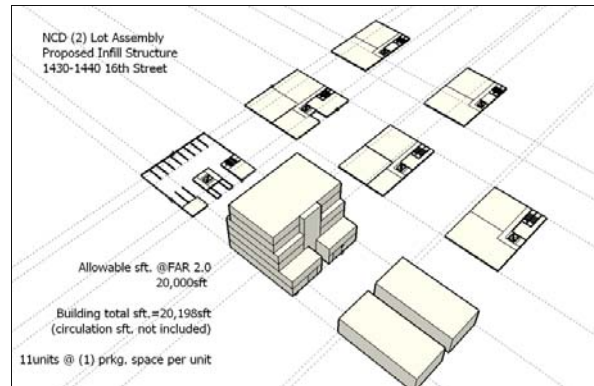
(3) New construction within the G.M.Fein NCD

a. Assembled lots under 45,000 sft. –One (1) space per unit where the front portion of the original structure has been retained pursuant to the Front Setback Regulations section of this NCD ordinance. Otherwise, two (2) spaces per unit with the provision that the development may reduce the requirement to one (1) space per unit through participation in the Parking Impact Fee Program as outlined in Section 130-131 of the Code and the fee shall be captured for the intent purpose of upgrading and maintaining the Neighborhood Streetscape as outlined in the Streetscape Improvement Plan recommendations of this NCD.

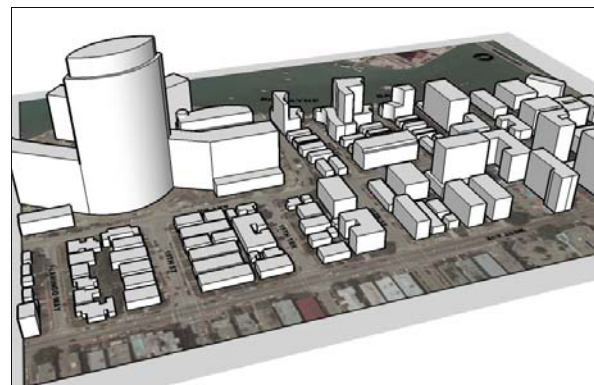
b. Assembled lots over 45,000 sft. – Two (2) spaces per unit with further provision that parking shall be fully subterranean to the greatest extent possible.

(b) In general, off-street parking shall be designed to occur within the structure and may be incorporated into the envelope of existing structures. The parking pedestal shall incorporate enclosed habitable or semi-habitable space facing the street which follows the footprint of the original building and is consistent with the height of the original structure upon that parcel and shall be designed to a minimum depth of fifteen (15) feet or equal to that of the front room of the original structure as outlined in the Building Height and Setback Regulations section of this NCD ordinance.

(c) Garage entry locations shall be located within the recessed portion of the infill structure occupying the original side yard between building footprints. The exception will be where an assembly of 1430 and 1440 16th Street occurs and the side yard between the two original building footprints does not allow the minimum eleven (11) foot driveway, therefore dictating access to occur within the projecting



Example of the type of redevelopment scenario which should not be permitted (above) as compared to an example which maintains the view corridors (below).



front portions of the two lot assembly.

3.6 Conservation of View Corridors

The existing view corridors to Biscayne Bay from the public rights-of-way of 16th Street and Lincoln Terrace shall remain completely unimpeded visually and physically, and free of building structures in accordance with Section 33D-38(D) of the Biscayne Bay Management, Shoreline Development Action Review Criteria regarding visual corridors. Recreational structures which may encroach into the view corridors shall be limited to pools, pedestrian walkways and other at grade surface features as defined in Section 142-1133 of the Miami Beach City Code.

3.7 Conservation of the Cul De Sac Street Plan

Requests for the Vacation of Lincoln Terrace or 16th Street from Bay Road to Biscayne Bay or any portion of these *cul de sac* streets shall be prohibited and pedestrian circulation within the original *cul de sac* street plan shall be further enhanced by providing public access to the bay front from both the 16th Street and Lincoln Terrace street ends to a public boardwalk running the length of the irregular waterfront lots along Biscayne Bay for use by the general public.